

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SIK GAEK, INC.,

Plaintiff,

- v -

MEMORANDUM ORDER

YOGI'S II, INC., and DANIEL KIM,

CV-10-4077 (ARR)(VVP)

Defendants.

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POHORELSKY, Magistrate Judge:

Upon review of the submissions of the plaintiff [DE 118] pursuant to the court's order [DE 116] awarding the plaintiff fees and expenses incurred in connection with the defendant's improvidently filed motion for a protective order, as well as the defendant's memorandum in opposition [DE 120], the court finds that the plaintiff is entitled to reimbursement for four hours of time, at a rate of \$200 per hour, expended by the junior associate T.W. Park, and one hour of time at a rate of \$400 per hour, expended by the partner Michael Kimm. The hours claimed by the plaintiffs' attorneys for the work expended is vastly in excess of the time that should reasonably have been expended. Among other things, the plaintiff's submission reflects excessive attorney conference time (more than 6 hours), excessive research (2.25 hours to read 3 opinions), and excessive file and document review (more than 3.5 hours). In addition, the times reflected in the submission disclose that time is charged in quarter-hour increments, instead of increments of one-tenth of an hour, a practice that leads to overbilling.

Accordingly, the defendant and their counsel are jointly and severally liable to the plaintiff for a total of \$1,200 to be paid within fourteen days.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
November 5, 2013